

days for the lack of a quorum, the first order of business was the election of a President pro tempore, who is a constitutional officer. The Senate is required to elect a Member of the body to serve as the President pro tempore in the absence of the Vice President.

When the Senate met on April 6th, 1789 there was no Vice President. There was no President. And once the President pro tempore was elected—his name was John Langdon from New Hampshire—the Senate then notified the House that it was organized and ready to count the electoral ballots.

So the selection of the President pro tempore was first because the Senate had to have a Presiding Officer. And there was no Vice President. There was no Vice President until April 21st of 1789 when the Vice President, John Adams, took the oath of office.

So I say this because sometimes we vary from precedent without thinking about it. And it escaped my notice that this was done, I think, in the last Congress when the President pro tempore was elected.

But in any event, for the record, I hope that in the future we will follow the practice of the Members of the Senate of 1789, when a President pro tempore is to be elected.

In the old days they elected a President pro tempore perhaps for the occasion, or one for a single day. But the practice now is that we elect a President pro tempore, who serves until another is elected—he retires, or passes on to another world, or his party loses control and a new President pro tempore is elected, or until his own term as Senator expires and he is reelected, as was the case today.

I thank all Senators for their indulgence. And especially I thank our two fine leaders. I am also very favorably impressed with both leaders. I know that they are going to do the Senate proud and do all of us proud.

Mr. LOTT. Mr. President, I thank the distinguished Senator from West Virginia for that information. And certainly we want to follow the precedents very closely. I will make sure that we look carefully at those and be prepared to elect a President pro tempore first the next time. Certainly, my feeling is that there is no higher honor nor greater responsibility nor greater opportunity than electing the Senator from South Carolina as the leader and as President pro tempore of the Senate.

So I thank Senator BYRD for his comments.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the President of the election of Senator THURMOND, and ask that the resolution be reported by title, agreed to, and that motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That the President of the United States be notified of the election of STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the House of the election of Senator THURMOND, and ask that the resolution be reported by title, agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 6) notifying the House of Representatives of the election of a President pro tempore of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That the House of Representatives be notified of the election of STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES AND THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 48

Mr. LOTT. Mr. President, I send a concurrent resolution to the desk extending the life of the Joint Inaugural Committee, and ask that the resolution be reported by title, agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 48.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 2) was agreed to, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1997, the joint committee created by Senate Concurrent Resolution 47 of the One Hundred Fourth Congress, to make the necessary arrangements for the inauguration

is hereby continued with the same power and authority.

SEC. 2. That effective from January 3, 1997, the provisions of Senate Concurrent Resolution 48 of the One Hundred Fourth Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President of the United States, and for other purposes, are hereby continued with the same power and authority.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, these unanimous-consent requests are those of the standing orders—for example, the setting of leaders' time each day—which are obtained at the beginning of each Congress which govern our day-to-day activities. As in the past, these consents have been cleared with the Democratic leader. Therefore, I send to the desk 11 unanimous-consent requests and ask for their immediate consideration en bloc, that the requests be agreed to en bloc, and that the various consents be shown separately in the RECORD.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 105th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 105th

Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 105th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I yield to the distinguished Senator from West Virginia for some comments in regard to this particular resolution prior to the time we go to the next one.

Mr. BYRD. Mr. President, have the unanimous consent requests been agreed to, en bloc?

The PRESIDING OFFICER (Mr. JEFFORDS). They have been.

Mr. BYRD. I had hoped to be recognized before they were agreed to. But I take the floor now just to inquire of the Chair and to inquire of both leaders, during the leader time each day, are we talking about 10 minutes for speeches only? I do not think there has been any controversial motion ever made during the 10 minutes of either leader's time, and I think, for the

RECORD, we ought to clarify this, that the 10 minutes are to be used for speeches or for unanimous consent requests but that no motion will be in order during those 10 minutes for either leader.

I say this because it seems to me—and I have not seen it happen, but I think it could happen—during the 10 minutes if there were a very controversial motion and a Senator or group of Senators were attempting to hold the floor and not let that motion be made, their leader could come in and claim his time, which he has a right to do, and during the 10 minutes I am concerned that he might make a controversial motion. This might never happen, and there might be other ways—I am sure there would be—to challenge that, but just in order that we do not have to worry about it, I wonder if it is agreed that during the 10 minutes no controversial motion will be made.

What is controversial? I should think we ought to know when either leader seeks to make a motion. If the motion is likely to be controversial, I hope that it would not be made during that period of 10 minutes.

Mr. LOTT. Mr. President, this unanimous consent request is that the majority and minority leaders may have up to 10 minutes each on each calendar day following the prayer and the disposition of the reading of or the approval of the Journal. It does not indicate any limitation as to what may be done in that 10 minutes. This is the language that has been used traditionally. It was taken from previous opening day unanimous consent requests that are traditionally done en bloc as we have done here today.

I know of no incident where this has been abused or any series of abuses of this 10-minute time by the leaders, certainly not during my time, and I do not remember it during Senator Dole's time. As far back as I have knowledge, I do not think that has been done.

I know that the leaders, Senator DASCHLE and I, will work together very carefully, and we have already indicated to each other we do not intend to pull surprises. And certainly if we were going to make any motion during that 10-minute period, we would have, I believe, an obligation to notify each other of such a plan.

But I do feel that it is not limited to just debate only. I would like to have the opportunity before we limit it in any way to go back and look carefully at what the precedents have been and how it has been dealt with in the past, and make sure we understand what we could or could not do. We are in no way enlarging upon what has been done in the past. Once again, in all due diligence and caution, I would want to make sure we are not giving up a right that in fact the leaders may need in the future.

Mr. DASCHLE. Mr. President, I think the distinguished senior Senator from West Virginia makes a very good

point. I think the point of his inquiry in large measure has to do with whether or not either side will surprise the other with regard to tactics involving the leaders' time that would in some way assist the leaders in doing something for which there has not been proper notification. I believe, as the distinguished majority leader has indicated, both sides are going to make a good faith effort to assure that we are not surprised. I believe in this case that effort will be practiced as well as promised.

I think there have been occasions, and I can recall vaguely the occasions, where we have been working under a time agreement and, as a result of negotiations between both sides, have come up with a compromise substitute amendment, through a process that involves the leaders, that may allow us to expedite the legislative process, wherein the leaders will use their time to make the case involving that particular amendment and then offer the amendment at the end of that period of time as an alternative to the pending measure.

It would be my hope we could continue to work with that understanding because on some occasions we are out of time, and were it not for the leaders' time, we might not be able to address such a compromise. Of course, we still have the avenue of asking for unanimous consent, but the leaders' time gives us another option in that regard. So I think the distinguished Senator from West Virginia is right on the mark with regard to the concern he raises, and I think I am satisfied that I have the assurances from the majority leader in this case there will not be surprises and we will use this time prudently.

Mr. LOTT. Mr. President, if I could be recognized for a moment more before the distinguished senior Senator from West Virginia comments.

Mr. BYRD. Sure.

Mr. LOTT. I think that, once again, as we try very hard to make sure we preserve the decorum we should have in this Chamber and we have kind of gotten away from—the Senator from West Virginia has noted that fact to me, and I have heard him—we are going to try some things to effect that in fact and in appearance also. We have had a situation where maybe too many staff members are getting in the Chamber and blocking passages. We are going to try to address that.

Also, if we are going to be able to work together in a cordial and civil manner, it is going to be important we be honest with each other and fair and we notify each other when we are fixing to take action and we not have surprises.

That is the way I intend to proceed. I am sure we will have some bumps along the road. The Senate is an island of tranquility in many respects in this city. We have heavy responsibilities on which we need to act, and it is going to take give-and-take, cooperation, and I

am absolutely committed to that approach. That will be the way I will proceed with regard to this 10 minutes and everything else that I try to do.

Mr. BYRD. Mr. President, I thank both Senators. I am fully satisfied with the colloquies that have resulted from my inquiry.

May I say to the distinguished majority leader that I do not believe we had the 10 minutes for each leader back when I was the majority leader the first time in 1977. I think this practice grew up in that period or soon thereafter. But in any event, as I thought I said earlier, I have never known—I cannot remember a time in which such a provocative situation might arise. I have never known that to happen. I have never known any majority leader or minority leader to transgress upon the confidence of the membership in giving its acquiescence to the request. It is just that I thought there could be such a situation. I thought we ought to try to clarify it and thus prevent some future misunderstanding. I am satisfied with what has been said.

While I have the floor, so that I will not impose upon the leaders too much, there was a second request made, and it was agreed to, and I just rise at this time to compliment the leaders on making this unanimous consent request and also on the progress that is being made and being discussed to which the majority leader has just referred, anent disorder in the Chamber.

In recent years, we have allowed too much gathering of staffs and too many conversations to go on in the rear of the Chamber, and it does not do the Senate credit. I can remember when we had no benches; we even had no seats in the rear of the Chamber. The staff stood when they came to the floor. They stood or sat on the floor of the Chamber, which I did not like. And it was for that reason that I had, when I was majority whip, chairs brought into the Chamber and a large davenport so staffs would at least have a place to sit.

And then, later, I had the gallery—this gallery here to the northeast, I guess it is—assigned to staff. Then I had these handsome benches and the bannister put back here so the staffs could be appropriately accommodated. I am glad that the request includes the words, “and that the Sergeant at Arms be instructed to rotate such staff members as space allows.” I want to thank the leaders for including that language.

I especially want to take the floor here so that the Sergeant at Arms and all Senators—the leaders need our cooperation as well—so that the Sergeant at Arms and all Senators will be well aware that when more staff members are in the Chamber than the seating accommodations will allow, then there is a special gallery for staffs, and I would hope that the Sergeant at Arms would help us to keep the number of staff people in the Chamber down. I assure both leaders they will have my cooperation. I try, as I see that there are

too many staff people—and I have two or three staff persons—I try to send mine out so as to leave only one. I am very much heartened by the letters that I have received from both leaders in response to concerns such as this, that I have expressed.

I foresee that we Senators are going to be even more proud of our leaders in the future than perhaps we have been at some times in the past. I see not only a willingness but a desire on the part of both leaders to have Members speak to them about matters that concern us. As I have noted, I followed through on that, and that has not been the end of it. Both leaders have written to me to let me know that they are aware of a matter and that they are working on it. I thank both, and I think it is to the credit of the two leaders, and certainly will redound to the credit of the Senate, if we can have better order in the coming days.

I thank both leaders.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank again the Senator from West Virginia for his comments. I am pleased that he noted this unanimous-consent agreement. The Sergeant at Arms is on the floor. We have discussed this matter, and we are undertaking procedures to set up this rotation of staff members. We are making sure that Senators are informed of that. We will remind Senators, probably on the 21st, of a number of these types of things so that they will not be surprised, and call on Members on both sides for their cooperation and courtesy. In fact, at the concluding part of our unanimous consent request today I will make a few comments about how we are going to try to reestablish some of the proper procedures, respect for each other's needs as Senators, and call on our Senators to be aware of that and to assist us as we try to do that. So we are not going to forget and, while we are not going to be dictatorial about it, we are going to try our very best to ask our Senators to recognize this is in the best interests of the institution and will allow us to do our work in a more efficient and effective way, I do believe.

Mr. BYRD. I thank the leader. We owe it to the Senate, we owe it to the membership, we owe it to the people of the United States of America with whom the power resides.

I thank the leader.

LEGISLATION ON AN APPROPRIATIONS BILL

Mr. LOTT. Mr. President, originally I had thought that at this point the Senate would grant a unanimous consent that would in effect make null and void the precedent set in March of 1995 with respect to legislation on an appropriations bill. Having spoken with the Democratic leader, we both feel, now, that the Senate would be better served by conducting a rollcall vote that would overturn the precedent.

Needless to say, this vote would occur at the first opportunity the Senate has during the appropriations process this year, at least we think that would be the appropriate time for it to occur. The Democratic leader has indicated to me that he would support such an action in the early summer of this year as we begin the appropriations process, and I look forward to his cooperation at that time, when we have the vote which would reinstate the point of order with respect to legislation on an appropriations bill.

I believe, and I think the Democratic leader would agree, that the process has been abused in recent months. There seems to be a growing use of this opportunity, and, in some of the discussions that we had at the end of the session last year, I believe that point was made by the Senator from South Dakota and perhaps the Senator from West Virginia. I think it was an unintentioned precedent that was set. I do not think it is in the best interests or the long-term interests of the Senate. I would like for us to preserve rule XXVI of the Standing Rules of the Senate. I think the Senate would be better served if we would do that, preserve that rule. So we will look for the opportunity, the best opportunity we can find, to consider changing back that precedent.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. The overturning of the Chair, back in March 1995, had far-reaching consequences, as the majority leader has indicated. By overturning the Chair, the Senate no longer had the legislation on appropriations point of order to keep legislative riders from being added to crucial appropriations bills. Many on this side of the aisle believe the point of order should be restored. However, we also believe that this situation should be remedied in the same way that it was imposed on the Senate; that is, by rollcall vote. So I intend to work with the majority leader to see if we can, by rollcall vote, restore this point of order at some point in the early months of the 105th Congress.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—INTRODUCTION OF LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the introduction of Senate bills, concurrent, joint, and simple resolutions not be in order prior to Tuesday, January 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. This now establishes Tuesday, January 21, as the first day in which Members may introduce legislation. I will inform my colleagues that Members may make statements during the next day or two regarding any proposed legislation, however all Senators